



Elizabeth O'Donnell
Executive Director
Public Service Commission of Kentucky
211 Sower Boulevard
Frankfort, Kentucky 40602

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MAR 14 2008

PUBLIC SERVICE
COMMISSION

E.ON U.S. LLC
State Regulation and Rates
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Louisville, Kentucky 40232
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Robert M. Conroy
Manager - Rates
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March 12, 2008

RE: MISO Withdrawal Fee

Dear Ms. O'Donnell:

As noted in Louisville Gas and Electric Company's and Kentucky Utilities Company's letter of December 21, 2006 in Case No. 2003-00266, the Companies agreed to keep the Commission apprised of the status and outcome of the dispute concerning MISO's calculation of the withdrawal fee. On December 10, 2007 the Companies provided the Commission a copy of the filing for approval by FERC of the Withdrawal Fee Recalculation Agreement ("Agreement"). On March 4, 2008 the FERC issued an order approving the Agreement. Enclosed please find a copy of the FERC order.

Should you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,

Robert M. Conroy

Enclosures
Cc: Parties of Record

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Midwest Independent Transmission
System Operator, Inc.
Docket No. ER06-1308-004

March 4, 2008

Midwest Independent Transmission
System Operator, Inc.
Attention: Lori A. Spence
701 City Center Drive
Carmel, IN 46032

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Re: Withdrawal Fee Recalculation Agreement

Dear Ms. Spence:

On November 21, 2007, as amended on January 18, 2008, Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted to the Commission for filing its Withdrawal Fee Recalculation Agreement (Recalculation Agreement) with E.ON U.S. LLC (E.ON) and related revisions to Schedules 10, 10-C, 17 and 17-A of the Midwest ISO Open Access Transmission and Energy Markets Tariff. The Recalculation Agreement and tariff revisions are related to the exit fee and charges for certain TEMT services that apply to E.ON's subsidiaries, Louisville Gas and Electric Company and Kentucky Utilities Company, as a consequence of their withdrawal from Midwest ISO. Midwest ISO made the filing in compliance with the Commission's directive for Midwest ISO to file revisions to the TEMT if there is any change to the final exit fee.¹

Pursuant to authority delegated to the Director, Division of Tariffs and Market Development – Central, under 18 C.F.R. § 375.307, the submittals in the above referenced docket are accepted for filing, effective January 20, 2008 (for the tariff revisions) and February 1, 2008 (for the Recalculation Agreement), as requested.

Notices of the filing were published in the *Federal Register*, with comments, protests or interventions due on or before February 8, 2008. No adverse comments or protests were filed. Under 18 C.F.R. § 385.210, interventions are timely if made within

¹ *E.ON. U.S., LLC*, 118 FERC ¶ 61,158 at P 14 (2007).

the time prescribed by the Secretary. Under 18 C.F.R. § 385.214, the filing of a timely motion to intervene makes the movant a party to the proceeding if no answer in opposition is filed within fifteen (15) days. The filing of a timely notice of intervention makes a Sate Commission a party to the proceeding.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any the applicant(s).

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within thirty (30) days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Penny S. Murrell, Director
Division of Tariffs and Market
Development – Central